

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WALTER QUINCEY DAVIS,

Defendant.

THIS MATTER is before the Court on the Defendant’s “Motion for Clarification” [Doc. 39].

On May 1, 2012, the Court appointed the Federal Defenders of the Western District of North Carolina (FDWNC) to represent any defendant previously determined to have been entitled to appointment of counsel, or who is now indigent, to determine whether that defendant may qualify for post-conviction relief pursuant to United States v. Simmons, 649 F.3d 237 (4th Cir. 2011), and if so, to assist the defendant in obtaining such relief. See In re: Motions for Post-Conviction Relief Pursuant to United States v. Simmons, No. 3:12-mc-00092 (W.D.N.C. May 1, 2012) (“Simmons Order”). Pursuant to this Order, the FDWNC was appointed to represent the

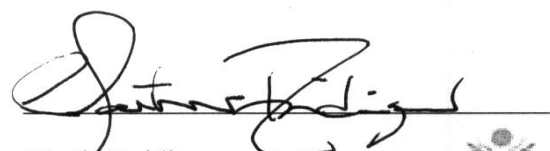
Defendant in the present case for the purpose of determining his eligibility for post-conviction relief under Simmons. [See Notice of Attorney Appearance, Doc. 34]. After reviewing the case, Defendant's counsel determined that she did not intend to file any motion seeking relief under Simmons and thus moved to withdraw from representing the Defendant "so that he may proceed *pro se*, if he chooses to do so." [Doc. 37]. Counsel's motion to withdraw was granted on August 12, 2013. [Doc. 38]. The Defendant now seeks "clarification of counsel's motion to withdraw." [Doc. 39 at 1].

As is evident from counsel's motion, counsel has fulfilled her obligation under the Court's Simmons Order by reviewing the case and determining that a motion seeking Simmons relief would not, in her opinion, be warranted. With counsel having withdrawn from the case, the Defendant is now proceeding *pro se* and may choose to file a post-conviction motion seeking Simmons relief if he chooses to do so.

IT IS, THEREFORE, ORDERED that the Defendant's Motion for Clarification [Doc. 39] is **DENIED AS MOOT**.

IT IS SO ORDERED.

Signed: December 3, 2013


Martin Reidinger
United States District Judge

